

REMARKS

Upon entry of the Amendment, claims 1-6 and 9-10 are all the claims pending in the application.

Claims 7 and 8 have been deleted.

Claims 1-6, 9 and 10 have been amended. Support for the amendments is found at page 7 of the specification and in claims 9 and 10. No new matter is added.

Claims 1-4, and 7-10 are rejected as anticipated by Bacher. It is argued that Bacher teaches a glass and inorganic powder mixture including magnesium titanate wherein the powder has a particle size preferably between 1 and 5 microns.

Bacher discloses compositions consisting essentially of non-conducting glasses having a softening point greater than 700°C, crystalline filler, MgTiO₃, and/or precursor crystalline oxides MgO and TiO₂ capable of forming MgTiO₃.

In response, Applicants note that Bacher does not disclose Applicants' recited BET specific surface area. Bacher therefore does not anticipate Applicants claims. Further, Applicants amend independent claim 1 to more clearly state the difference between Applicants' claimed invention and the disclosure of Bacher. Applicants' claimed invention is directed to a glass composition containing a paste comprising a magnesium titanate powder and a glass powder having a glass transition temperature of 500°C or less.

Therefore, as one skilled in the art would fully appreciate, the glass powder used in the present invention is different from that used in Bacher because, in the Applicants' invention, the glass is only selected from glasses having a substantially lower glass transition temperature.

Further, the compositions disclosed in Bacher are directed to materials for forming dielectric layers, and the dielectric layers are generally fired in the temperature range 800-975°C (see column 4, lines 32-38). From this point of view, glass powder used by Bacher inherently has a glass transition temperature such as higher than 700°C. Therefore, Bacher does not disclose or suggest Applicants' claimed composition. Therefore, it is respectfully requested that the rejection over Bacher be withdrawn.

Claims 1-4 and 7-10 are rejected as obvious over Bacher, either alone, or in view of Saegusa.

Saegusa is asserted to disclose a magnesium titanate powder which is polyhedral. Bacher is asserted as in the previous rejection.

As stated above, Bacher merely discloses the use of a certain glass powder having higher glass transition temperature than 700°C for dielectric layers. Even in combination with Saegusa, Bacher would not have led one of ordinary skill to the claimed invention.

By contrast, Bacher teaches away from the claimed invention. Since Bacher is directed to glass compositions for dielectrics fired in the temperature range 800-975°C (column 4, lines 32-38), one of ordinary skill would not have been motivated to apply the glass powder in Bacher to obtain the claimed invention. Upon reading Bacher, one of ordinary skill would have been led to glass powders used for forming dielectric layers with higher glass transition temperatures which fall outside Applicants' claimed range.

Thus, Bacher teaches away from using a glass powder having a lower temperature.

For at least these reasons, it is respectfully submitted that Applicants' claims are novel and patentable over the cited art. Applicants respectfully request that the rejection be reconsidered and withdrawn.

Claims 1-4, 9 and 10 are rejected as anticipated by or, in the alternative, obvious over Bobinski, Foster, Nofzigerand and Fewkes.

Bobinski is asserted to disclose a sealing glass composition comprising a specific glass powder and zinc zirconium silicate. Foster is asserted to disclose a glass sealing composition comprising a specific lead glass, Na_2O , and finely divided TiO_2 . Nofzigerand is asserted to disclose a sealing glass composition for sealing a face plate, and Fewkes is asserted to disclose a sealing glass composition.

In response, Applicants respectfully traverse. None of the cited references disclose an inorganic powder with Applicants' recited refractive and reflective indices. Also, none of the cited references disclose using a magnesium titanate powder, as recited in amended claim 1.

Bobinski merely discloses zinc zirconium silicate as the inorganic powder. Foster discloses finely divided TiO_2 . Nofzigerand merely discloses the use of two fillers having a different particle size distribution from each other and does not teach a use of a magnesium titanate powder as these fillers (see column 9, lines 5-28). Fewkes discloses the use of a fine inorganic particle to improve the rheological characteristics and discloses alumina and zirconia as the fine inorganic powders (see Table II and III).

None of the references, however, disclose or suggest an inorganic powder with Applicants' recited refractive and reflective indices or magnesium titanate powder. Therefore,

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/832,209

the present invention is not anticipated by or obvious over these references. Applicants respectfully request that this rejection be reconsidered and withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Keith B. Scala
Registration No. 43,088

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

Date: May 20, 2003